



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT OF KENYA**

**AT NAKURU**

**MISC CIVIL APPLICATION NO 123 OF 2015**

**PAUL TAPUKAI MEBARNE**

**MOKONYO OLE LETIET..... APPLICANTS**

**AND**

**COUNTY GOVERNMENT OF NAROK**

**NATIONAL LAND COMMISSION .....RESPONDENTS**

**RULING**

**(Application for leave to commence judicial review proceedings, leave granted as well as stay).**

1. I have perused the motion dated 6<sup>th</sup> May 2015. It is an application seeking leave to commence judicial review proceedings for orders of :-

- (a) Prohibition restraining the Chairman, National Land Commission ( NCL) from proceeding with the exercise of recruitment and/or gazettement of the Narok County Land Management Board as now constituted.
- b. Prohibition restraining the Chairman, NLC from giving effect and /or acting on the illegal communication of the Narok County Government and purporting to endorse particular persons as duly nominated members of Narok County Land Management Board.
- (c) Mandamus compelling the Chairman, NLC, to call for advertise and carry out fresh, fair transparent and procedural interviews for candidates to serve in the Narok County Land Management Board.

2. The core reasons why the applicants want the above orders is that they are of the opinion that the process leading to the constitution of the Narok Land Management Board is flawed.

3. They also want a stay restraining the chair NLC from giving effect and/or gazettement the recommendations of the Narok County Government constituting the said Board.

4. I have considered the application and allow it. I grant leave as prayed and the grant of this leave shall operate as stay. In other words the county Government of Narok and /or the NLC are barred by this stay from proceeding to constitute the County Land Management Board of Narok as

recommended.

5. I direct the main motion to be filed and served in 21 days.

Mention 8/7/2015.

**Dated, signed and delivered in open court at Nakuru this 12th Day of May 2015.**

**MUNYAO SILA**

**JUDGE**

**ENVIRONMENT & LAND COURT**

**AT NAKURU**